

SCHOOL PSYCHOLOGISTS' ROLE, KNOWLEDGE AND ATTITUDES TOWARDS
SECTION 504 OF THE REHABILITATION ACT OF 1973

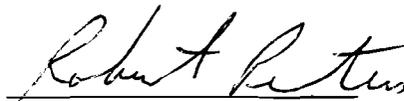
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Kristi Hooyman

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Committee Chair

Committee Members:




The Graduate School
University of Wisconsin-Stout
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The Graduate School
University of Wisconsin-Stout
Menomonie, WI

Author: **Hooyman, Kristi**
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ABSTRACT

The purpose of this study is to disseminate the research completed on school psychologists' knowledge and attitudes toward Section 504 of The Rehabilitation Act of 1973. Chapter one of this study will serve as an introduction to the literature review and proposed study. Chapter two will trace the history of The Rehabilitation Act of 1973 and how it came to pertain to schools. Then, the history specific to Section 504 will be addressed. How Section 504 applies to schools, the definition of Section 504, how Section 504 is implemented in the schools, and how it is enforced will also be incorporated. Next, research on Section 504 will be summarized. Following the research review, Section 504 will be linked to school psychology. Finally, a critical analysis of the literature will be performed. Chapter three will address the research study, research questions, and methodology used in the data collection. Chapter four will summarize the

data that was collected and chapter five will provide a discussion of the data collected for this research study.

The Graduate School
University of Wisconsin Stout
Menomonie, WI

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CHAPTER 1

Introduction

The purpose of public schools is to provide children with an education. Most people are under the impression that the same education is provided to all children; however, this is not, and has not always been the case. In the past, access to public education for children with disabilities was extremely limited, or denied. Coalitions for the disabled began to advocate for equal access and opportunity to public education during the mid-twentieth century using the civil rights movement's success as a model to end discrimination against handicapped individuals, including children. Legislation changing the way education was provided to children with disabilities evolved from earlier legislation to gain equal educational rights for minority children. The Rehabilitation Act of 1973 was the first federal civil rights law that guaranteed persons with disabilities the right to be free from discrimination. It took years of legal and political action to get the Rehabilitation Act of 1973 implemented.

The Rehabilitation Act of 1973 is a civil rights law rather than an educational statute. One section within the Act, Section 504 extends the Act's guarantees to children with disabilities in the public schools. The Rehabilitation Act of 1973, specifically Section 504, ensures that an equal educational opportunity is provided to students with disabilities. Section 504 defines a free appropriate public education to mean that public schools must locate, refer, evaluate, place and provide services for students who qualify as disabled under Section 504. The U.S. Department of Education is responsible for ensuring that under Section 504 students are provided with a free appropriate public

education, but the Office of Civil Rights is responsible for monitoring compliance with the Act.

Section 504 of the Rehabilitation Act of 1973 and the Individuals with Disabilities Education Improvement Act (IDEIA, 2004) are two of the major laws with which school districts must comply. Section 504 of the Rehabilitation Act of 1973 is a civil rights statute; whereas, the Individuals with Disabilities Education Improvement Act (IDEIA, 2004) is the federal special education law that requires all states who accept federal funding to provide special education services to children with disabilities. The IDEIA's main purpose is to ensure a free appropriate public education to individuals with disabilities, whereas, the primary purpose of Section 504 of the Rehabilitation Act of 1973, in the schools, is to provide reasonable accommodations and to prevent discrimination against children with disabilities (Russo, Morse, & Glancy, 1998). Even though the initial version of IDEIA (Public 94-142) was signed into law the same day as the Rehabilitation Act, it was initially passed two years after the Rehabilitation Act. It took much longer to gain support for the Rehabilitation Act of 1973 compared to the education statute that evolved into IDEIA.

Implementing Section 504 of the Rehabilitation Act of 1973 in the schools has been a long and confusing process. It seemed as though many people were resistant to implementing the law and little was done to enforce the implementation of the law. In the last 10 years significant effort has gone into increasing school district personnel knowledge of the law, as well as, enforcing school districts' obligations to enforce the law. The Office for Civil Rights is in charge of enforcing the law and is actively forcing school districts to implement the law. Currently there is no national database for tracking

the number of children served under Section 504 and districts or states are not required to maintain such data.

Research on Section 504 of the Rehabilitation Act of 1973 is scarce. There is a great deal of anecdotal evidence in the literature that the law is perceived quite negatively by educational personnel which appears to have resulted in resistance to implementation of the law. However, there is little research to support this perception. Research on how school psychology relates to Section 504 is almost nonexistent. This study reviews the current literature, examines it critically, and then discusses the results of the study conducted in order to contribute to the literature on Section 504 of The Rehabilitation Act of 1973 and school psychology.

Purpose and Significance of Study

The purpose of this study is to review literature about the history of Section 504 of the Rehabilitation Act of 1973, including how Section 504 relates to the public schools, how Section 504 compares to the IDEIA, school personnel attitudes about Section 504, and how school psychology relates to Section 504. The purpose of the critical analysis was to examine what research had been done and where to go with future research. By compiling the literature and analyzing it, the need for additional research on school psychology and Section 504 became apparent and led to the need for a study to examine school psychologists' knowledge, attitudes, and roles in regards to Section 504 of the Rehabilitation Act of 1973.

Statement of the Problem

Section 504 of the Rehabilitation Act of 1973 is a mandated law and must be implemented in the school; however, there are few studies in the literature that assess

what knowledge, attitudes, and roles school personnel have relating to Section 504. In addition, the research on Section 504 and how it relates to school psychology is scarce.

Research Questions Posed in the Study

The following research questions were proposed:

- (1) How knowledgeable about Section 504 of the Rehabilitation Act of 1973 are school psychologists in Wisconsin?
- (2) What role(s) do Wisconsin school psychologists play in Section 504 policies, processes, and procedures?
- (3) What attitudes are held by Wisconsin school psychologists related to eligibility, enforcement, and implementation of Section 504 of the Rehabilitation Act of 1973?

Definitions of Terms

The Americans with Disabilities Act: a federal law that prohibits discrimination on the basis of disability in state and local government services by state and local governmental entities, whether or not they receive federal funds. This includes public school districts.

Attitude: a complex mental state involving beliefs, feelings, values, and dispositions to act in certain ways.

Civil Rights: the rights to personal liberty established by the 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 13th, 14th, and 15th amendments to the Constitution of the United States.

Discrimination: the failure to treat people in the same way because of a bias toward some characteristic- race, religion or disability- which is irrelevant to their suitability for something-working or learning

Disability: “a functional limitation or restriction of an individual’s ability to perform an activity” (NASP, 2003, p.2).

Handicapped: “an environmental or attitudinal barrier that limits the opportunity for a person to participate fully” (NASP, 2003, p.2).

Individuals with Disabilities Education Improvement Act (IDEIA, 2004) and Individuals with Disabilities Education Act (IDEA, 1997): “a direct mandate to states and local school districts to meet minimum federal educational standards in special education and to protect the rights of students with disabilities” (Maricle, 2003, p. 2).

Individualized Education Program (IEP): a written document/statement of the educational program designed to meet a child's individual needs

Rehabilitation Act of 1973: “civil rights law designed to protect the civil and constitutional rights of persons with disabilities” (Maricle, 2003, p. 1).

Section 504: part of the Rehabilitation Act of 1973 that prohibits discrimination against handicapped persons by school districts receiving federal funds or financial assistance.

CHAPTER 2

Literature Review

Introduction

This chapter will trace the history of the Rehabilitation Act of 1973 and how it came to pertain to schools. Specifically, Section 504 the Rehabilitation Act of 1973 will be reviewed. The literature review will address how Section 504 applies to schools, how Section 504 is implemented in the schools, and how it is enforced. Available research on Section 504, its relationship to public education, and its linkage to the field of school psychology will be summarized. Finally, a critical analysis of the literature will be provided.

History of The Rehabilitation Act of 1973

Some researchers consider the Rehabilitation Act of 1973 to be the “cornerstone of legal rights for individuals with disabilities” (Jaeger & Bowman, 2002, p. 109). However, this statute was not the first attempt to gain rights for individuals with disabilities particularly within the forum of public education. In 1958, The Expansion of Teaching in the Education and Mentally Retarded Children Act was one of the federal government’s first attempts to train special education teachers. In 1965, the Elementary and Secondary Education Act (ESEA) was passed. The ESEA was one of the first laws to have language in it preventing discrimination against students with disabilities. Also, under the ESEA “some federal grants were the first federal funds used to specifically provide educational opportunities for students with disabilities” (Jaeger & Bowman, 2002, p. 98). However, despite the passage of these laws, discrimination and exclusion of children with disabilities was still the norm in most states. In fact, most schools were

supported by the government for excluding these students. In 1964, an amendment to Title VI of the Civil Rights Act of 1964 was one of the first bills to introduce equal educational opportunity for students with disabilities in the public school system. This amendment later became the part of the Rehabilitation Act of 1973 known as Section 504 (Jacob & Hartshorne, 2003; Jacob-Timm & Hartshorne, 1998). Despite these attempts, it was not until the 1970's and the passage of P.L 94-142 (Education for all Handicapped Children Act, 1975) that the process of ending discrimination against children with disabilities truly began.

In 1973, Congress passed the Rehabilitation Act, which was the first federal law that guaranteed civil rights (to be free from discrimination) to persons with disabilities (Jaeger & Bowman, 2002). It was passed to prevent intentional or unintentional discrimination against individuals with disabilities, individuals who were believed to have disabilities, or family members of individuals with disabilities (Rosenfeld, 2003; Shuler, 2001). However, this Act faced significant opposition from the President of the United States, Richard Nixon and the Department of Health, Education, and Welfare (HEW) (Fleischer & James, 2001; Jaeger & Bowman, 2002). President Nixon vetoed two earlier versions of the Act in October of 1972 and in March of 1973 (Fleischer & James, 2001). Finally on September 26, 1973, President Nixon signed The Rehabilitation Act into law, but the law was so poorly written and flawed that it was useless at the time (Jaeger & Bowman, 2002). Many of the organizations that received federal funding were unclear about what the law expected of them in regards to individuals with disabilities and the ramifications for non-implementation of the law. The Rehabilitation Act of 1973 lacked mechanisms for implementation and enforcement, as well as remedies for

noncompliance (Jaeger & Bowman, 2002). In 1974, amendments were passed making the IDEA, or theory, of the Rehabilitation Act more significant, but still no effort towards implementation or enforcement was seen (Jaeger & Bowman, 2002). The law sounded good on paper but nothing was being done to enforce it. In fact, President Nixon and HEW were using their political influence to undermine the implementation of the law (Jaeger & Bowman, 2002). President Nixon had vetoed two stronger versions of the bill before making it law and did nothing to implement the law once it was passed, demonstrating his political perspective regarding the issue. HEW secretary, David Mathews, simply refused to take steps to make the Act effective (Jaeger & Bowman, 2002).

When President Richard Nixon signed The Rehabilitation Act of 1973 into law he designated the Department of Health, Education, and Welfare (HEW) to coordinate and enforce Section 504 of the Act (Shuler, 2001; U.S. Department of Education, 2002). The Department of Health, Education, and Welfare (HEW) was divided into the Department of Health and Human Services and the Department of Education (DOE) in 1979. The Office of Civil Rights (OCR) became part of the Department of Education and since 1979 has been responsible for the enforcement of Section 504 (Shuler, 2001).

In 1976, a lawsuit, *Cherry v. Matthews*, was instrumental in pressuring the government into enacting and enforcing the Rehabilitation Act of 1973, specifically Section 504 as it pertains to schools (Fleischer & James, 2001). Cherry was a student with a severe disability who was denied closer parking and elevator access by his school. Cherry contacted HEW to obtain enforcement of Section 504 of the Rehabilitation Act of 1973. Cherry got no response from HEW so he contacted a lawyer and filed suit against

HEW Secretary David Mathews. The court ordered HEW to develop and publicize specific Section 504 regulations but no deadline was imposed. The next day the Carter administration assumed office and Joseph Califano became the new Secretary of HEW (Fleischer & James, 2001). Califano took a slightly more active role such as meeting with members of disabilities rights groups. Following the success of the Cherry lawsuit, disability rights demonstrators protested across the United States from San Francisco to New York. These protestors were demonstrating for their rights to Section 504 services specifically and to make progress in the fight for equal rights for people with disabilities. One of the sit-ins in New York lasted twenty-five days and is the longest sit-in at a federal building to date (Fleischer & James, 2001). It wasn't until these events occurred that Califano took action for the implementation of guidelines for Section 504 of the Rehabilitation Act of 1973.

Finally, on April 28, 1977 the first guidelines for implementation of the Rehabilitation Act of 1973 were signed (Jaeger & Bowman, 2002). Ironically, the implementation guidelines for the initial version of the Individuals with Disabilities Education Improvement Act of 2004 (known then as PL 94-142, the Education For all Handicapped Children Act), which was passed two years after the Rehabilitation Act of 1973, were signed the same day as the implementation guidelines for the Rehabilitation Act. It was not until 1978 that the civil rights guaranteed by the Rehabilitation Act of 1973 were actually extended to individuals with disabilities. It took four years of legal and political action, as well as disability rights protests to get the Rehabilitation Act of 1973 appropriately implemented by the government (Jaeger & Bowman, 2002).

The Rehabilitation Act of 1973 in the Schools

Historical information about the act in the schools.

During the 1960's, civil rights activists were fighting for an end to racial discrimination in the public schools (Jacob-Timm & Hartshorne, 1994). With the 1954 Supreme Court ruling in *Brown v. Board of Education*, and encouraged by the success of the civil rights movement, parents of children with disabilities began to fight for the right-to-education for their children.

Parents successfully used the 14th Amendment in their lawsuits to end discrimination against their children (Jacob-Timm & Hartshorne, 1994). The 14th Amendment of the U.S. Constitution prohibits schools from discriminating against children with disabilities. It states all persons who are citizens of the United States are to have equal protection under the law, and no state shall “deprive any person of life, liberty, or property, without due process of the law” (U.S. Const., 2004, p.1). This combined with legal precedent in cases such as, *Pennsylvania Association for Retarded Children v. Commonwealth of Pennsylvania* (1971, 1972) and *Mills v. Board of Education* (1972) forced legislation for free appropriate public education for all children regardless of a disability (Jacob-Timm & Hartshorne, 1994). Following these landmark cases, parents of children with disabilities turned to available laws such as the Education for All Handicapped Children Act of 1975 and the Rehabilitation Act of 1973 to ensure their children's educational rights.

The Rehabilitation Act of 1973 originally focused only on employment issues; however, in the mid-70's the act was amended to include school issues (Smith & Patton,

1998). Although the Rehabilitation Act was amended to include school issues many still believed it applied only to discrimination in regards to employment within the schools, not to discrimination of children in the schools (Jacob & Hartshorne, 2003; Jacob-Timm & Hartshorne 1998; 1994). Section 504 is only one small piece of the Rehabilitation Act of 1973; yet, most people refer to the entire act as Section 504. In 1974, the government clarified the intent of the Rehabilitation Act. It was made clear that schools were not allowed to discriminate against children with disabilities (Jacob & Hartshorne, 2003; Jacob-Timm & Hartshorne 1998; 1994). An example of discrimination would be not allowing children with disabilities to attend school or not providing instruction to handicapped children. However, there was no immediate action on the part of the public schools to meet the requirements of Section 504 of the Rehabilitation Act (1973). Additionally, the Department of Health, Education, and Welfare (HEW) was slow to develop and approve regulations to implement and enforce Section 504 of the Rehabilitation Act (1973). Schools were not required to comply with Section 504 of the Rehabilitation Act (1973) for five years after the initial law was passed (Jacob & Hartshorne, 2003; Jacob-Timm & Hartshorne 1998; 1994). In actuality, the majority of public schools took no action towards implementing the law and it wasn't until the 1990's that schools began to actually comply with the law. Several factors led to increased compliance with the law during this time, including the passage of the Americans with Disabilities Act (ADA, 1990), limitations to the IDEIA's coverage of disabilities, increased awareness of parents and school officials regarding Section 504 of the Rehabilitation Act of 1973 and its application to school, and monetary awards for

punitive damages being awarded by the courts in successful lawsuits (Maricle, 2003; Smith & Patton, 1998).

How disability is defined.

Specifically, Section 504 prohibits schools from discriminating against students on the basis of a disability or handicap in providing aids, benefits, or services.

Additionally, Section 504 requires that an equal educational opportunity be provided to students with disabilities (Jacob-Timm & Hartshorne, 1998). Section 504 of the Rehabilitation Act of 1973 states that:

no otherwise qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination under any program or activity which receives or benefits from Federal financial assistance.

The initial primary purpose of the Rehabilitation Act of 1973 was to aid persons with disabilities to go to work but in education its primary purpose is viewed as a way to end discrimination (Jacob-Timm & Hartshorne, 1998). However, handicapped individuals must be otherwise qualified for participation in programs or activities. Otherwise qualified means the person with the disability must be qualified to participate in the program or activity before the presence of a disability can be a factor in discrimination (Smith, 2001). For example, according to LaMorte (1999), a blind student not included in driver's education does not violate Section 504 of the Rehabilitation Act of 1973 because no reasonable accommodations could be made for this student to benefit from the program or instruction.

The Rehabilitation Act (1973) defines a handicapped person as anyone who:

(i) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (ii) has a record of such impairment, or (iii) is regarded as having such an impairment.”

The Act further defines what is meant by a physical or mental impairment:

(i) Physical or mental impairment means (A) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems; neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitor-urinary; hemic and lymphatic; skin; and endocrine; or (B) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities

(ii) Major life activities means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(iii) Has a record of such an impairment means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(iv) Is regarded as having an impairment means (A) has a physical or mental impairment that does not substantially limit major life activities but that is treated by a recipient as constituting such a limitation; (B) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or (C)

has none of the impairments defined... in this section but is treated by a recipient as having such an impairment.

The following are a list of possible handicaps that could result in a student receiving services under Section 504 of the Rehabilitation Act of 1973: attention deficit disorder, attention deficit hyperactivity disorder, allergies, anorexia, asthma, behavioral difficulties, bulimia, cancer, cerebral palsy, communicable diseases, conduct disorder, depression, diabetes, past drug and alcohol addiction, dyslexia, dysthymia, emotional disorders, excessive absenteeism, heart disease, hemophilia, HIV/AIDS, injuries, other medical conditions, mutism, obesity, physical/sexual abuse, posttraumatic stress syndrome, sexually transmitted diseases, suicidal tendencies, temporary conditions due to illness or accident, temporary illnesses, and/or tuberculosis (Miller & Newbill, 1998). This list is not exhaustive and eligibility for services under Section 504 should be individually based.

Funding.

Section 504 of the Rehabilitation Act of 1973 is an unfunded mandate, operating as a rider attached whenever a federally funded program receives monies (Maricle, 2003). This Act does not supply funds to schools but if schools receive federal funds they must comply with Section 504 of the Rehabilitation Act of 1973 (Jacob-Timm & Hartshorne, 1994). This is a general education act not a special education act, which means special education funds cannot be used to provide Section 504 services (Maricle, 2003).

Implementation in the schools.

The Office of Civil Rights (OCR) (1998) has given schools guidelines to implement and maintain compliance with Section 504. Schools must:

- (i) Undertake efforts annually to identify and locate all children with disabilities who are underserved;
- (ii) Provide a “free appropriate public education” to each student with disabilities, regardless of the nature or severity of the disability. This means providing regular or special education and related aids and services designed to meet the individual educational needs of persons with disabilities as adequately as the needs of persons without disabilities are met;
- (iii) Ensure that each student with disabilities is educated with non-disabled students to the maximum extent appropriate;
- (iv) Establish nondiscriminatory evaluation and placement procedures to avoid the inappropriate education that may result from the misclassification or misplacement of students;
- (v) Establish procedural safeguards to enable parents and guardians to participate meaningfully in decisions regarding the evaluation and placement of their children; and
- (vi) Afford children with disabilities an equal opportunity to participate in nonacademic and extra-curricular services and activities (Smith & Patten, 1998, p. 17-18; Shuler, 2001, p.16-17).

Child find.

Schools have the responsibility to actively identify and locate all students with disabilities annually to maintain compliance with Section 504 (Jacob-Timm & Hartshorne, 1998; Rosenfeld, 2003). This responsibility extends to students with

disabilities residing in the district that are not receiving a public education (Gorn, 2000). However, Section 504 does not specifically state how districts are to identify and locate children; this is left up to each district individually.

Free appropriate public education.

A Free Appropriate Public Education (FAPE) under Section 504 has two components: “free” and “appropriate” (Shuler, 2001). “Appropriate” under Section 504 means “(i) services are designed to meet individual educational needs of handicapped persons as well as the needs of a non-handicapped persons are met and (ii) are based on adherence to procedures that satisfy the requirements of educational setting, evaluation and placement, and procedural safeguards” (deBettencourt, 2002, p. 21; Jacob & Hartshorne, 2003, p. 176; Smith & Patton, 1998, p. 19). In order for an education to be appropriate it must meet the individual needs of that student (Smith & Patton, 1998). The education provided under Section 504 must be comparable to that of a non-disabled person. This means that a handicapped individual must have an equal opportunity to learn when compared to non-handicapped peers. This does not mean programs must be equally effective but that the program must provide an equal opportunity to obtain similar educational results (Maricle, 2003). Services provided can include services in the general education classroom, services in the general education classroom with related services, or special education and related services (Jacob-Timm & Hartshorne, 1994). In summary, Section 504 is meant to provide an equal opportunity to all students.

“Free” under Section 504 means that the services must be provided to the child without expense to parents or guardians (Smith & Patton, 1998; Shuler, 2001). The primary factor in determining a free appropriate public education under Section 504 is

“the ability of schools to meet the individual needs of students with disabilities as well as the needs of students without disabilities” (Smith & Patton, 1998, p. 20). One way of meeting this requirement is to develop an accommodation plan for the child (Jacob & Hartshorne, 2003). The accommodation plan can be similar to an Individualized Education Plan (IEP) or it can be as simple as a written statement about providing services to the child (Gorn, 2000). Section 504 does not require a written document; however, a written plan is considered best practice (Gorn, 2000; Henderson, 2000). The subjectivity of the definition combined with the lack of regulations for implementation, makes it hard for districts to know if they are providing reasonable accommodations as defined by Section 504.

Least restrictive environment.

Least restrictive environment means educating children with disabilities with their non-disabled peers as much as possible. According to Section 504, children with disabilities must be educated with their non-disabled peers at all times unless a satisfactory education cannot be achieved in the regular education classroom (Peer Project, 1999; Shuler, 2001). Unlike the IDEIA, related services can stand alone under Section 504 (Smith & Patton, 1998). In fact, Section 504 does not set limits on the type of services provided or where the services should be provided. If a student needs related services to meet their educational needs, the related services must be provided (Smith, 2001). So a student may receive speech therapy as their only service under a Section 504 plan.

Eligibility process.

Jacob-Timm and Hartshorne (1998) note that requirements for eligibility and accommodations are not clearly outlined in the Act; however, case law and OCR rulings have set guidelines for districts to follow when referring or evaluating a student for Section 504.

Referral.

Referral is the first step in determining eligibility of a child for Section 504 services. There are no set regulations for a referral process in the law but every school should have a plan or system in place to determine eligibility (Smith & Patton, 1998). Jaeger and Bowman (2002) state that schools that fail to conduct evaluations or adhere to the standards of Section 504 will be in violation of Section 504. Any person can refer a child for Section 504 services, but in most cases, teachers or parents make the referral (Smith, 2001; Smith & Patton, 1998). The referral form will vary by district; however Smith and Patton (1998) suggest that best practice would be to include the following information: date of referral, the student's name, school, teacher, grade/class, date of birth, age, address, phone, the reason for referral, pre-referral actions to address concerns, and the name and title of the person making the referral. The following is a list of situations in which a referral should be made for consideration of services under Section 504 (Council for Administrators of Special Education, 1992):

- When a student is referred for IDEIA services but the decision is to not evaluate
- When a student is evaluated for IDEIA services but is determined not to be eligible

- When a student is suspected of having a disability
- When a student continues to display behavior problems
- When a student has a major health problem
- When a student is, or likely to be, expelled or suspended
- When a student seems to be having problems that cannot be explained
- When a parent requests consideration for Section 504 services
- When a teacher requests consideration for Section 504 services

This list is not exhaustive. Once a student has been referred, a group of people knowledgeable about the student should convene to see if they think the child will be eligible under Section 504 (Smith, 2001). Just because a student is referred does not mean he/she will receive services under Section 504 but if the team feels the child may be eligible under Section 504 an evaluation needs to be completed.

Evaluation.

Unfortunately, the law does not provide clear guidelines regarding evaluation for Section 504 eligibility, other than to state that the evaluation should be sufficient to determine whether or not there is a disability and whether or not the individual is eligible for services. However, best practice would indicate that when evaluating a student for Section 504 services a variety of sources should be utilized (Rosenfeld, 2003). The evaluation procedures should ensure that “tests and other evaluation materials have been validated, evaluations are administered by a trained professional, evaluations are tailored to assess specific areas of educational need, and tests are selected and administered that accurately reflect the factors the test purports to measure” (Rosenfeld, 2003, p. 5). This evaluative process should be conducted by a group of people including the Section 504

coordinator (Jaeger & Bowman, 2002). Martin (1992, p.5) suggests the following questions be used to assist with determining eligibility:

- (a) Is there a physical or mental impairment?
- (b) Does that impairment substantially limit a major life activity?
- (c) What kind of accommodations would be needed so that the student will be able to enjoy the benefits of the school program?

All students identified as disabled under the IDEIA are covered under Section 504; however, not all students receiving services under Section 504 are covered under the IDEIA (Arsenault, 2003; Jaeger & Bowman, 2002; Maricle, 2003). If a student is eligible under Section 504, appropriate services and placement are determined by a team of individuals knowledgeable about the student. An important component of Section 504 to keep in mind when making eligibility decisions is that learning itself does not have to be affected for a student to qualify under Section 504 (Arsenault, 2003). Section 504 is intended to prevent discrimination against individuals with disabilities and to provide an equal educational opportunity, therefore if the child's disability, whether it is permanent or temporary, interferes with a major life activity and prevents the child from realizing an equal educational opportunity then that child is eligible for Section 504 services. For example, if a student breaks a leg and has no way to get to school because walking is impaired, then that student can receive services such as transportation accommodations under Section 504 even if the student's learning is not impacted by the broken leg.

Accommodation plans and placement.

The law does not specify how an accommodation plan is developed or formatted; however, the law does require the accommodation plan to be developed by a team and it

is best practice to have a written document outlining the accommodations to be made (Smith & Patton, 1998). Since there are no guidelines for writing accommodation plans, each district may have their own policies in place. Accommodation plans for Section 504 do not have to be as specific as an Individual Education Plan (IEP) under the IDEIA. Normally included in an accommodation plan are the accommodations and modifications the student needs to receive a free appropriate public education (Smith & Patton, 1998).

The team should consider what accommodations or modifications will be needed in the regular classroom environment. LaMorte (1999) states that only reasonable accommodations must be provided and when multiple accommodations are put forth, the program may choose which accommodation they will provide. Just because a person requests an accommodation does not mean the institution must provide it. If an accommodation is unreasonable, it is not required (LaMorte, 1999). Schools only need to provide a fair opportunity to learn, they are not required to provide the best education possible to a student with a disability (Jaeger & Bowman, 2002).

A continuum of placement options should be available to students who are eligible for Section 504 services. Placement decisions should be made by a team and the team should consider the following sources of information when making a decision: results of aptitude and achievement tests, teacher recommendations, reports on the student's physical condition, social or cultural background, and adaptive behavior (U.S. Department of Education, 2002). The general education classroom should always be considered first when placing a student under Section 504 because Section 504 requires a student be placed in the least restrictive environment (LRE). According to Smith and Patton (1998), a student may be served in a special education classroom if the class is

funded with state or local funds, if there is enough space available, and if they do not impact IDEIA-eligible students.

Placement decisions must be based on the student's needs and significant changes in placement cannot occur unless a reevaluation takes place (U.S. Department of Education, 2002). The Act does not set a time frame for how often a reevaluation must occur but they must occur periodically (Smith & Patton, 1998). Students must be reevaluated before a significant change in placement. According to Smith and Patton (1998), Section 504 reevaluations should follow the steps outlined by the original evaluation procedures.

Procedural safeguards.

The Rehabilitation Act of 1973 provides procedural safeguards for individuals with disabilities to ensure that their rights are protected under the Act. Procedural safeguards under Section 504 include: notice, an opportunity for the parents (or guardian) to examine relevant records, an impartial hearing with opportunity for participation by the parents and representation by counsel, and a review procedure by the impartial hearing officer (Caruso, 2001; Gorn, 2000). The procedural safeguards are intended to give parents an opportunity to participate in their child's education, and to protect their and their child's rights under the law.

Nonacademic and extra-curricular services.

Section 504 also provides protection for students from discrimination in sports, field trips, or other nonacademic and extra-curricular services. However, not all students are protected under the nonacademic and extra-curricular services part of Section 504. A student cannot be denied the opportunity to participate in a nonacademic or extra-

curricular program solely because of their disability. Modifications and adaptations can be made in the nonacademic and extra-curricular area. Yet, keep in mind a child must be otherwise qualified to participate. Most of these decisions are made on a case-by-case basis (Gorn, 2000).

Comparison and differences of the IDEIA and Section 504 of the Rehabilitation Act of 1973.

In addition to Section 504 of the Rehabilitation Act of 1973, schools also must comply with Public Law 108-446; the Individuals with Disabilities Education Improvement Act (IDEIA, 2004). IDEIA is a federally funded education act; whereas, Section 504 of the Rehabilitation Act of 1973 is an unfunded civil rights act. Any student who is protected under the IDEIA will be protected under Section 504 of the Rehabilitation Act of 1973; however, not all students protected by Section 504 are protected by the IDEIA (Jaeger & Bowman, 2002). deBettencourt (2002, p. 22) states, “The major difference between IDEA and Section 504 are in the flexibility of the procedures.” Table 1 depicts the similarities and differences between these two laws.

Enforcement.

Because the Rehabilitation Act is a civil rights law regulating discrimination, the Office of Civil Rights (OCR) is in charge of investigating complaints and ensuring compliance with the law. Any institution, agency, program or activity that receives federal funds must comply with the Rehabilitation Act of 1973, including schools (U.S Department of Education, 2002). The law lists specific requirements for schools to follow in regards to Section 504 of the Rehabilitation Act (Jaeger & Bowman, 2002). If a person thinks a school is in violation of the Rehabilitation Act of 1973 or more

specifically Section 504, they have three options. The person may follow school policy outlining due process guidelines, file a complaint with OCR, or bring suit in federal court (Maricle, 2003).

Table 1

Comparison of IDEIA and Section 504 of the Rehabilitation Act of 1973

IDEIA	SECTION 504
1. How Schools are Covered	
All states now accept funding through IDEIA. As a result, all states and local school districts within each state are required to follow IDEIA requirements.	Section 504 applies to all entities that receive federal assistance, although Section 504 itself provides no funding. Because schools receive federal assistance, all public schools are covered under Section 504. It also applies to all private schools, if they receive federal funds.
2. Eligibility-Who is Covered?	
IDEIA creates ten categories of disability, each of which has its own criteria. A student must be determined eligible under at least one of the categories in order to qualify for special education.	Section 504 does not use categories for eligibility. Any student with an identified physical or mental disability that substantially limits a major life activity, e.g. learning, is entitled to protection under Section 504.
All categories other than speech and language impairment require that the child's disability adversely affect educational performance and require	In contrast to IDEIA, a student with a disability may qualify for the protection of Section 504 if the student requires special education or related services. Section 504 does not require special

special education intervention	education in order to qualify.
<p>Note, however, that an adverse affect on educational performance could be in an area of school function other than academic, e.g., behavior. Note also that the need for special education instruction is not a pre-requisite for eligibility does not mean instruction in a self-contained or resource class, but can include special instruction within the regular classroom.</p>	<p>Section 504 also covers individuals with a history of disability or who are regarded as having a disability.</p>
3. Evaluation and Reevaluation	
<p>IDEIA describes in detail the multidisciplinary evaluation procedures required to determine if a child is eligible for special education, as well as the requirement that the child be reevaluated at least every three years, using the same procedures.</p>	<p>Section 504 requires the school district to establish evaluation procedures which are validated for their stated purpose, accurately reflect the child's ability, and incorporate information from more than one test a variety of sources.</p>
<p>IDEIA requires that the testing be non-discriminatory and in the child's primary language.</p>	<p>Section 504 requires that the child be evaluated prior to writing a Section 504 plan or making any significant change in the plan and "periodically thereafter."</p>

<p>IDEIA requires schools to consider the findings of outside evaluators and, under certain circumstances, requires the school to pay for the independent evaluation.</p>	
<p>IDEIA requires a reevaluation as needed, but at least every three years. The school may decide not to reevaluate or to do a partial reevaluation when the three-year reevaluation is due, but must include the parents in the decision of whether or not to reevaluate. A parent may request the reevaluation and if this occurs, the school must comply with the request.</p>	
<p>4. Child Find</p>	
<p>IDEIA places the burden on the school district to identify, evaluate, and where appropriate, provide services to all children suspected of having disabilities who reside in their school district.</p>	<p>Section 504 protects all children with disabilities from discrimination, and requires that the school "undertake to identify and locate" all children with disabilities who are not receiving a public education and notify them of their rights under Section 504.</p>
<p>5. Special Education and Related Services</p>	

<p>IDEIA requires that all eligible students receive a free and appropriate education and related services, which are necessary for a child to benefit from their education. These services must be provided pursuant to an Individualized Education Plan (IEP) developed with the parent participation and based on the child's unique needs.</p>	<p>Section 504 also requires a free appropriate education designed to meet the child's individual needs as adequately as the needs of students without disabilities are met.</p>
<p>The IDEIA regulations lay out very detailed provisions for the process of developing IEP's, including that they contain annual goals and short-term objectives, that the objectives be measurable, and that the plan be reviewed at least annually.</p>	<p>Section 504 can include specialized instruction, related services, and/or accommodation within the regular classroom. Contrary to popular belief, Section 504 is not limited to regular education based services or modifications of regular education programs, although that is how it is typically used.</p>
<p>The IDEIA requires that an IEP be developed within thirty days of when a child is determined eligible.</p>	<p>Note that the Section 504 regulations allow school districts to use IDEIA procedures as a means of implementing Section 504 requirements, but do not require them to do so. Check your school's Section 504 plan to determine this.</p>
<p>IDEIA also spells out who must attend IEP meetings, including the parent and, under most circumstances, the regular</p>	<p>Section 504 gives the parent the right to attend the meetings, but does not spell out who must attend those meetings.</p>

education teacher.	
6. Least Restrictive Environment	
IDEIA requires that the child, to the maximum extent appropriate, be educated with children who do not have disabilities and that the child be removed from regular education only if and to the extent that even with the provision of supplementary aids and services, the child cannot be educated satisfactorily in regular education.	Children with disabilities shall be educated to the maximum extent appropriate with children who do not have disabilities unless it is demonstrated that the education of the person in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily.
It also requires that the child be educated in the class he or she would have been but for the disability, unless the IEP requires otherwise and that, in any event, the child be educated as close to home as possible.	
IDEIA also requires that the child have access to the general curriculum	
7. Physical Accessibility	
No content	Section 504 requires access to programs and services.
8. Procedural Safeguards and Due Process	

A. Notice, Participation, and Consent	
<p>IDEIA confers on parents a wide variety of detailed procedural rights, including:</p> <ol style="list-style-type: none"> 1.) the rights to participate in all staffings; 2.) the rights to consent to initial evaluation and placement in special education; 3.) the right to notice of procedural safeguards whenever the school proposes to take or refuses to take action with respect to a child; 4.) notice of any proposed change in placement or services; 5.) the right to request a due process hearing. 	<p>Section 504 requires notice (to the parent) of action regarding the identification, evaluation or educational placement of children with disabilities who need special instruction or related services.</p>
B. Due Process Hearing	
<ol style="list-style-type: none"> 1.) right to an impartial independent hearing officer; 2.) right to present testimony and cross-examine witnesses; 3.) right to exclude evidence not presented by the opposing side at least five days prior to the hearing 	<p>Section 504 provides for an impartial hearing, but does not provide detail as to how it should operate. Further, although the hearing officer is supposed to be impartial, they are appointed by the school district.</p>

<p>4.) the right to written decision within ten days and a verbatim written transcript;</p> <p>5.) the right to appeal to court;</p> <p>6.) the right to recover attorney's fees if you prevail.</p>	
<p>C. Stay-Put (Frozen) Placement</p>	
<p>IDEIA provides that if either party requests a due process hearing, the child remain in the last agreed upon placement until all administrative and legal proceedings are resolved.</p>	<p>Neither Section 504 nor their regulations contain a stay-put placement provision. Thus, if a child is only covered under Section 504, but not under IDEIA, and requests a hearing to challenge a proposed change of placement, suspension in excess of ten school days or expulsion, the school district may go forward with the placement change, suspension or expulsion while the hearing is pending.</p>
<p>The parent must receive notice ten days prior to any proposed change of placement. If the parent requests a hearing within that time span, the placement cannot be changed.</p>	<p>However, under IDEIA, if a school knew or should have suspected an unidentified IDEIA disability was present, stay-put procedures may apply if an IDEIA hearing is requested, even though the child was only covered by a Section 504 plan.</p>

<p>The U.S. Supreme Court, in <i>Honig v. Doe</i>, has ruled that a suspension in excess of ten days or an expulsion is a change in placement subject to the stay-put placement provisions. Thus, if a parent request a due process hearing, the suspension in excess of ten school days or expulsion cannot be implemented until all administrative and legal proceedings are resolved. The only exception is if the school feels that child poses a danger to self or others and gets a court order allowing a change in placement.</p>	
<p>Under IDEIA, a child with a disability may, under certain circumstances be moved to an alternative educational setting. The school may unilaterally move a child to AES for up to forty-five days for bringing a dangerous weapon to school or possessing, receiving, or selling drugs. As well, a school may obtain an expedited due process hearing to move a child to AES for up to forty-five days if the school can prove by</p>	

<p>more than a preponderance of the evidence that the student is likely to harm himself or others. However, there can be no cessation of services and intervention to address the problem behavior must be provided.</p>	
<p>9. Enforcement</p>	
<p>In addition to due process, IDEIA can be enforced through complaints to the SEA and the U.S. Department of Education under EDGAR. When these complaints are received, the agency conducts its own investigation and makes an administrative determination of compliance or non-compliance and can order corrective action.</p>	<p>In addition to requesting an impartial hearing under Section 504, parents can also file complaints with the U.S. D.O.E. Office for Civil Rights. Currently, however, OCR is prioritizing systemic, as opposed to individual complaints. A person can also sue in federal court for violation of Section 504 and may obtain injunctive relief and/or money damages.</p>

Notes. Adapted From “Legal developments of their importance to public schools of Section 504 of the Rehabilitation Act of 1973”, by Donald Shuler, 2001. Sections were updated to reflect changes resulting from the reauthorization of IDEA (IDEIA, 2004).

When complaints are lodged, the school district is usually named as the defendant, however, individual professionals may be held liable as well, so it is important for each professional within the school to have knowledge of Section 504 requirements, including school psychologists. Although school psychologists are usually associated with special education, and Section 504 falls under the purview of regular education; the school

psychologist may be part of the team that is responsible for serving the child receiving Section 504 services (NASP, 2003; Maricle, 2003).

In addition, each district with more than 14 employees must designate a Section 504 coordinator (Gorn, 2000; Jaeger & Bowman, 2002). This person is in charge of ensuring compliance with Section 504 (Gorn, 2000). There must be one Section 504 coordinator within each school district but this person can also function in other roles such as an ADA coordinator. Each district must make the coordinator's information available to individuals served by the school district. Gorn (2000) considers it best practice to include the person's title, address, and telephone number as part of the identification process.

Criticisms Surrounding Section 504 of the Rehabilitation Act of 1973

One of the major criticisms of Section 504 is the lack of specificity of the language in the law. Compared to the IDEIA, there are less specific procedural criteria for implementing the law (deBettencourt, 2002). This lack of specificity has led to misunderstanding of the law. Researchers are calling for in-services and education of school personnel about Section 504.

Another problem with Section 504 is the failure to acknowledge that compliance with the IDEIA does not mean compliance with Section 504. Because of the loose language in Section 504, more kids will qualify for Section 504 services. Assuming that a child will not qualify under Section 504 because they did not qualify under the IDEIA can lead to noncompliance with Section 504.

Another major criticism is the lack of federal funding associated with the law. The Rehabilitation Act of 1973 does not provide educational institutions with federal

funding to implement Section 504 and thus is viewed by the educational community as an unfunded mandate. Additionally, districts may not use special education funds to support 504 services. Districts may have limited funds available to them and providing services to children with disabilities under Section 504 can be costly. However, one must remember that if serving a specific student under Section 504 is an economic hardship for the district they may not be required to provide the services (Shuler, 2001).

Summary of Case Law on Section 504 in Public Schools

Shuler (2001) provided a description of Section 504 cases brought before the United States Supreme Court and “a comparison of United States Appellate Court cases for Section 504 as the rulings apply to the public schools” (p. 4). The major precedents set by the courts as to what constitutes a disability, what is discrimination, what is a reasonable accommodation, and what is a free appropriate public education under Section 504 will be reviewed.

Disability.

Shuler (2001) reports that the courts have affirmed that a disability under Section 504 means that a person must have physical or mental impairment with a substantial limitation of a major life activity, or have a record of impairment, and/or be regarded as having an impairment. The disability must affect more than one area of the person’s life and must be permanent. The finding that a disability must be permanent is inconsistent with the literature. Gorn (2000) states “there is nothing in either the statute or the regulations that expressly states that a disability must be permanent” (p. 1:6). A permanent disability may not be mentioned in the law; however, if a case has set precedent a temporary disability may not be covered. Also, the courts have found that

the person with a disability must be given an equal opportunity but not specialized treatment. This includes not having to significantly alter a program to accommodate the person with a disability. Finally, Shuler (2001) affirms a person with a disability can be held liable for poor conduct if the disruptive conduct is not a result of their disability. In *Knapp v. Northwestern University (1996)*, the seventh Circuit Court, illustrated the link between a major life activity and a substantial limitation. Knapp was not found to have a “physical impairment” (cardiovascular defect) under Section 504 because participation in sports did not impact his ability to learn and is not a major life activity. Since participation in sports is not a major life activity it cannot be a substantial limitation either.

Discrimination.

Case law established under the seventh Circuit Court about Section 504 supports its applicability to the public schools as an antidiscrimination measure, and emphasized that an equal opportunity must exist for all students, which means the same services provided to non-handicapped students must be provided to handicapped students (Shuler, 2001). The seventh Circuit Court ruling in *Brookhart v. Illinois State Board of Education (1983)* found that students with disabilities who are “unable to disclose the degree of learning” due to a state minimum competency exam are being discriminated against based on a handicap” (Shuler, 2001, p. 104). This ruling demonstrates that an equal opportunity must be given to all students regardless of their disability. If an “otherwise qualified” student is not able to demonstrate competency due to a disability then discrimination has occurred.

Reasonable accommodation.

Legally binding case law for the seventh Circuit Court defining reasonable accommodation states that schools do not have to undergo any kind of financial hardship to accommodate someone with a disability (Shuler, 2001). If the accommodations are too expensive for the district or would create any type of hardship for the school, they are not required to provide the services. Section 504 also does not require accommodations to make the person with a disability advantage greater than the peer without a disability; it requires only those accommodations which would provide the handicapped student with the same education as a non-handicapped student. In *Brookhart v. Illinois State Board of Education (1983)* the court ruled that state graduation tests were not discriminatory solely based on the notion that handicapped students are incapable of attaining a minimal level of competency. This result was based on the IDEA that altering the content of the test is a substantial modification; however, allowing accommodations such as more time or large print to minimize the student's disability would be appropriate (Shuler, 2001). If the modifications would alter the activity or give the person with a disability an unfair advantage, the district does not have to provide them.

Free appropriate public education (FAPE).

Shuler (2001) summarized the case law relating Section 504 and the premise of a free appropriate public education. In general, the courts have ruled that an appropriate education is one that meets the needs of each individual and those needs are met as adequately as non-disabled persons. If parents decide to place their child in a private school, the district receiving federal funds is not required to pay as long as the district has offered a free appropriate public education to that individual within the public school

system. However, according to Shuler (2001), as of the year 2000, there was no binding case law in the seventh Circuit Court supporting the premise behind a free appropriate public education. All case law precedent with regards to this issue has been established in other jurisdictions.

Attitudes in the Schools

Smith and Patton (1998) state that in the past school districts paid little attention to Section 504 of the Rehabilitation Act of 1973 because of a lack of training, a lack of pressure from parents to provide services, and a lack of funding. School districts had no incentive to implement Section 504 in their schools. In addition, the ambiguous language of the law increased the confusion among school personnel about school district responsibilities regarding Section 504. Another problem faced by school personnel is the subjectivity involved when determining eligibility and providing appropriate services under Section 504 (Smith & Patton, 1998). This ambiguity has created significant problems for school districts attempting to implement the Section 504 model. Most school professionals are more familiar with the IDEIA which has strict criteria for eligibility and the provision of services. The attitude of many school professionals is that Section 504 is too subjective and ambiguous to easily and effectively implement.

Many people are under the impression that compliance with the IDEIA is the same as compliance with Section 504 of the Rehabilitation Act of 1973 (Jacob-Timm & Hartshorne, 1998). However, Section 504 has a much broader range of eligibility (e.g. categories of disabilities covered) than the IDEIA. As a result, students who do not qualify under the IDEIA may qualify under Section 504. School personnel are often unaware that students who do not qualify under the IDEIA may be eligible for services

under Section 504. Research on knowledge, perceptions, and attitudes of school personnel towards Section 504 is lacking in the literature. (Jacob-Timm & Hartshorne, 1998).

Research on Section 504 by Date

Katsiyannis and Conderman (1994) surveyed special education directors in all 50 states and the District of Columbia about information regarding the involvement of state educational agencies (SEA) in meeting Section 504 mandates and LEA practices. The results showed that 14 states had developed policy on Section 504 and 6 were in the process of developing policies. States were asked to provide a copy of their policy; only 10 states complied with the request. Compliance with Section 504 requirements was monitored by the State Department of Education in 15 states; whereas, the remaining states reported compliance monitoring by OCR among other sources. The State Department of Education in 22 states handled complaints, with OCR or another review team handling the remaining states' complaints. Section 504 coordinators were required by the LEA in 34 states. No state collected data on the number of students identified under Section 504 because there was no state requirement mandating aggregation of such data (Katsiyannis & Conderman, 1994). In conclusion, Katsiyannis and Conderman (1994) found states were at various stages of implementing and monitoring Section 504 guidelines and policies.

Pitman and Slate (1994) surveyed 427 students, ranging from freshman to graduate students in a variety of majors, at a southern university in the United States about their knowledge of Section 504, attitude toward Section 504, and interrelationships between the two variables. Their results revealed that 71.9% of students were unfamiliar

with the law. Knowledge of Section 504 seemed to be lacking with only sixty-five percent of the items on knowledge questions being answered correctly. It is interesting to note that students with disabilities were not more knowledgeable about Section 504 when compared to their non-disabled peers. However, knowledge of Section 504 was correlated with self-reported familiarity of the law (Pitman & Slate, 1994). Attitudes towards the Act were demonstrated to be positive in an analysis when people had knowledge of the law and experience with individuals with disabilities (Pitman & Slate, 1994).

Research conducted by Pitman and Slate (1994) demonstrates that many professors at the university or college level are resistant to making accommodations in classes for students with disabilities. This attitude is held because professors feel they are at the college to teach not care for students with disabilities (Pitman & Slate, 1994). Pitman and Slate (1994) do report that there has been a change in attitudes in recent years because of increased knowledge and familiarity with students with disabilities.

Cobb and Peach (1995) surveyed seventy teachers in the southern part of the United States about their perceptions of Section 504. They concluded that knowledge of Section 504 was lacking; however, knowledge of PL 94-142 was abundant. Over half of the teachers stated they would like to attend a workshop on school law (Cobb & Peach, 1995).

Weitermann (1996) surveyed 12 full-time regular education teachers from Northeastern Wisconsin about their knowledge of Section 504 and the Americans with Disabilities Act (ADA). An interview survey was given to each of the 12 teachers. Her results found that teachers knew more about Section 504 than the ADA. Eight of the 12

teachers reported having had in-service training about Section 504. When asked if they received formal training in their teaching program about Section 504 of the Rehabilitation Act of 1973, 8 of the 12 teachers stated they did not remember discussing it in their classes. When asked who should implement Section 504 services, 6 teachers responded that it was the responsibility of regular education personnel with the help of others. The other 6 responses ranged from the special education director to administration personnel. These teachers reported the best benefit of Section 504 was that “kids don’t fall through the cracks” (Weitermann, 1996, p. 19). Lack of time, parent cooperation, and extra paperwork were cited as the most difficult aspects of Section 504. Weitermann (1996) concluded there was great variation among teacher’s knowledge of Section 504.

Arsenault (2003) interviewed 30 teachers, administrators, counselors, social workers, and psychologists at four public middle schools in Michigan about their understanding and participation in Section 504 processes. Her interviews found that less than 2% of the participants were able to fully define Section 504 eligibility requirements, and only 20% were able to partially identify Section 504 eligibility requirements (Arsenault, 2003). Many of the participants had obtained their knowledge and understanding of Section 504 from their colleagues who also lacked a comprehensive understanding of Section 504. Where in-service training had been provided, there was a positive impact on participants understanding and knowledge of Section 504. Arsenault also found that the knowledge of the building leader played a role in how knowledgeable the staff was about Section 504 processes. Arsenault (2003) found that some educators who believe an eligible student should receive services under Section 504 do not understand what services should be provided. As a result, Arsenault questions how the

services would be implemented. The most interesting finding was that most school personnel surveyed felt that the plan their district currently had in place worked well. Yet, those individuals could not “clearly state what the purpose and processes for Section 504 implementation in their school were” (Arsenault, 2003, p. 76). Arsenault concluded that more research on knowledge and understanding of Section 504 needed to be completed.

Role of School Psychologist

The school psychologist’s role is always being redefined. They are trained in both education and psychology and work in the schools providing not only consultation and assessment, but also intervention, prevention, education, health care services, and research and planning (NASP, 2003). Today’s school psychologists must understand school systems and work with a variety of people, including the children.

In theory, Section 504 is a regular education initiative, but the United States Department of Education (DOE) has stated that school psychologists may be used in assessment and planning for students referred for 504 services (Jacob-Timm & Hartshorne, 1994). School psychologists may be asked to perform assessment with referred students, and in addition, they may be asked to provide recommendations on services for students determined to be eligible under Section 504, so it is necessary that school psychologists have adequate knowledge of the requirements of Section 504 of the Rehabilitation Act of 1973. Pupil assistance teams may also be part of the Section 504 process and school psychologists are often part of that team (Jacob-Timm & Hartshorne, 1994). A pupil assistance team is a group of people who are familiar with a particular student and have knowledge and information about that student which may be applicable

for services under Section 504 (Jacob-Timm & Hartshorne, 1994). They use this information to make a collaborative recommendation on services and placement for that particular student (Office of Civil Rights, 1998).

Another key component of a school psychologist's job is consultation (NASP, 2003). If a student qualifies for Section 504 services, the school psychologist may be asked to help consult with the regular education teacher, parents, administrators, and support staff to make appropriate accommodations for the student (Jacob-Timm & Hartshorne, 1994). The only way for a school psychologist to be certain the criteria for Section 504 are being followed is to have an understanding of the law.

In addition, research has demonstrated that some districts have not yet developed or implemented procedures for compliance with Section 504 of the Rehabilitation Act of 1973 (Jacob & Hartshorne, 2003; Jacob-Timm & Hartshorne 1998; 1994). Jacob-Timm and Hartshorne (1998) state that school psychologists have a role in working with other school personnel and parents to develop policies and procedures for Section 504. As stated earlier, all schools that have 14 or more employees must designate a Section 504 coordinator (Gorn, 2000; Jaeger & Bowman, 2002). This coordinator must ensure compliance with Section 504 identification, evaluation, placement, and procedural safeguards. The training that school psychologists receive makes them key players in developing ways to ensure compliance with Section 504 (Jacob & Hartshorne, 2003; Jacob-Timm & Hartshorne 1994). However, since the school psychologist's role is in special education his or her services should not be focused solely on Section 504 activities (Jacob-Timm & Hartshorne, 1994).

This leads to the questions of how knowledgeable about Section 504 of the Rehabilitation Act of 1973 are school psychologists in Wisconsin, what role(s) do Wisconsin school psychologists play in Section 504 policies, processes, and procedures, and what attitudes are held by Wisconsin school psychologists related to eligibility, enforcement, and implementation of Section 504 of the Rehabilitation Act of 1973? The possibility of being involved with Section 504 of the Rehabilitation Act of 1973 activities, and knowing that school psychologists have been a part of Section 504 services in the past, should make being informed about it a priority of every current and future school psychologist.

Critical Analysis

History of Section 504 of The Rehabilitation Act of 1973

The history of Section 504 of the Rehabilitation Act of 1973 is well documented in the literature. Every article or book cited in this literature review gave at least a brief history of the Act. Much of the history of The Rehabilitation Act of 1973 is included with information about other civil rights and special education laws. It was difficult to locate information that focused only on the history of Section 504, as most of the literature and research focused on the entire Rehabilitation Act of 1973.

Section 504 in the Schools

Research and literature specifically regarding Section 504 in the schools is limited. Available literature usually provides a brief history of how Section 504 came to be part of the educational system. In addition, the literature addresses how the law is implemented in the schools including child find, FAPE, LRE, eligibility processes, and procedural safeguards. The available literature tended to provide a brief overview of

Section 504, but relatively few provided in depth coverage of specific parts of Section 504. Research studies about Section 504 in the schools were extremely limited and only a few doctoral dissertations on Section 504 in the schools could be located.

Comparison and Differences of the IDEIA and Section 504 of the Rehabilitation Act of 1973

Information comparing and contrasting Section 504 of the Rehabilitation Act of 1973 with the IDEA (now IDEIA) is relatively abundant in the literature. It is apparent from the literature that educational professionals are fairly fluent with the requirements of the IDEA, so Section 504 is often compared to the IDEA to gain a better understanding of Section 504.

Enforcement and Legal Issues

A study by Shuler (2001) provides a comprehensive review of the legal cases heard in the United States Supreme Court and United States Appellate Court that are pertinent to Section 504 in the schools. Shuler's research provides school districts with information about how to handle Section 504 issues in the schools. Several books, such as Caruso (2001), Gorn (2000), Jacob and Hartshorne (2003) Jacob-Timm and Hartshorne (1998), Jaeger and Bowman (2002), and Smith and Patton (1998), have parts that address enforcement and legal issues under Section 504 and also provide information about Section 504 issues. Most of these resources were published in a question-and-answer format. On-line resources regarding Section 504 appear to be aimed at parents of students with disabilities (Henderson, 2000; NASP, 2003; Office of Civil Rights, 1998; Office for Students With Disabilities, n.d.; Peer Project, 1999; U.S. Department of Education, 2002).

Attitudes in the Schools

Literature and research regarding attitudes about Section 504 in the schools is also quite scarce. Cobb and Peach (1995) looked at teachers' perceptions of Section 504 and Katsiyannis and Conderman (1994) surveyed special education directors about Section 504. However, this research is almost ten years old. Research on perceptions and attitudes is important because it may predict how likely districts are to comply with Section 504. Not only is research on attitudes lacking in the literature but also research on Section 504 in general is lacking.

Role of School Psychologist

The research on Section 504 and the schools is limited and the research on school psychology and Section 504 is very limited. There is little or no research on Section 504 in the schools and how this relates to school psychology. Jacob and Hartshorne (2003) and Jacob-Timm and Hartshorne (1994; 1998) seem to be the only authors to have looked at school psychology and how it relates to Section 504 of the Rehabilitation Act of 1973.

A primary role of school psychologists is to be an advocate for students with disabilities. It doesn't matter if these students qualify under the IDEIA or Section 504, school psychologists should advocate for an equal educational opportunity for all students with disabilities. School psychologists are potentially key players on a Section 504 team because of their knowledge and training in disabilities and the law. Another role school psychologists play is that of a consultant. If they are not directly related to Section 504 in their district they still need to be knowledgeable about the Act because of the likelihood of providing consultation services to the school personnel who are directly involved in the implementation of such services.

The literature has demonstrated that implementation of Section 504 regulations has been slow and some districts still have not implemented Section 504 services. The research on Section 504 is scarce and nonexistent when looking at its relationship with school psychology. This lack of research creates a need for exploring how Section 504 services relate to the practice of school psychology (Jacob & Hartshorne, 2003; Jacob-Timm & Hartshorne, 1994).

Conclusion

The purpose of the literature review and critical analysis was to examine what information is available regarding Section 504 of the Rehabilitation Act of 1973 and what information is lacking regarding the issue. By compiling the literature and analyzing it, the need for additional research on school psychology and Section 504 becomes readily apparent.

CHAPTER 3

Methodology

This chapter will include a brief summary of the current literature and its limitations as it relates to future research and the purpose of this study. A description of the survey instrument and procedures for data collection will be provided. Finally, the method of data analysis and the possible limitations of the study will be discussed.

The literature on the history of Section 504 of the Rehabilitation Act of 1973 is relatively abundant. The Act was first assumed to apply only to employers but when parents of children with disabilities started pushing for equal educational opportunities Section 504 of the Rehabilitation Act of 1973 became known in the educational setting. Once Section 504 was extended to the schools it still was not implemented or enforced. In actuality it wasn't until the 1990's that schools became more aware of Section 504 of the Rehabilitation Act of 1973 and how to comply with the law. Several factors led to school compliance with Section 504 during this time, including the passage of the Americans with Disabilities Act (ADA, 1990), limitations to the IDEA's coverage of disabilities, increased awareness of parents and school officials regarding Section 504, and monetary awards for punitive damages being awarded by the courts in successful lawsuits (Maricle, 2003; Smith & Patton, 1998). Two primary requirements of Section 504 apply to children in the schools: free appropriate public education and nondiscrimination. The current literature demonstrates that Section 504 is often compared with the IDEIA; however, there are differences in the two laws that school personnel must be aware of to ensure compliance with the law.

Literature and research on school psychology as it is related to Section 504 of the Rehabilitation Act of 1973 is scarce. Because schools are required by law to provide services to individuals with disabilities under Section 504 of the Rehabilitation Act of 1973, it is critical that school personnel demonstrate knowledge and an understanding of Section 504 in the schools. The implementation of Section 504 of the Rehabilitation Act of 1973 in schools has been quite controversial, with a great deal of anecdotal evidence of negative perceptions by school personnel towards the law and its implementation. However, literature and research on attitudes about Section 504 in the schools is quite limited. Due to the lack of research on attitudes about Section 504, school psychology and Section 504, and school psychologists' knowledge about Section 504 the following questions are proposed:

- (1) How knowledgeable about Section 504 of the Rehabilitation Act of 1973 are school psychologists in Wisconsin?
- (2) What role(s) do Wisconsin school psychologists play in Section 504 policies, processes, and procedures?
- (3) What attitudes are held by Wisconsin school psychologists related to eligibility, enforcement, and implementation of Section 504 of the Rehabilitation Act of 1973?

Study

Subjects.

The subjects in this research project were licensed school psychologists from the state of Wisconsin. The Department of Public Instruction lists the licensed school psychologists in Wisconsin, so the names and addresses were obtained from this

organization. Of the available population of school psychologists in Wisconsin, 200 were randomly selected to participate in the study.

Survey instrument.

A survey was developed by the author to assess the knowledge, attitudes and perceptions, and role of Wisconsin school psychologists' regarding Section 504 of the Rehabilitation Act of 1973 (see Appendix). The survey consisted of four sections. Section one contained ten demographic questions. There were twenty-one true-false statements in section two assessing participants' knowledge of Section 504 of the Rehabilitation Act of 1973. Sections three and four consisted of twelve statements each that used a Likert Scale to assess participants' attitudes and perceptions of Section 504 as well as school psychologists' roles in Section 504 processes. The last half of the survey utilized a 4-point Likert Scale. The points from one to four represented: strongly disagree, disagree, agree and strongly agree. The surveys were coded (e.g. name with a code to assist with follow-up surveys to non-respondents) to identify a response rate. Once the surveys were returned, identifying information was removed to ensure confidentiality.

Procedures.

Surveys were copied and mailed together with a cover letter, a consent form, and a self addressed and stamped return envelope (See Appendix). Data was collected in December 2004 and follow up surveys were sent in January 2005. Again, once surveys were returned, identifying information was removed to ensure confidentiality.

Data analysis.

Descriptive data analysis provide information about the demographics of the participant sample, such as the rate of response, gender of the participants, highest degree obtained, years as a school psychologist, and years in current district. Descriptive statistics including frequency counts, percentages, means and standard deviations were used to evaluate knowledge, activities, and attitudes of school psychologists in relation to Section 504 of the Rehabilitation Act of 1973.

Significance of Research and Anticipated Findings

The demand for Section 504 services in the schools has continued to increase and school district liability for appropriate implementation has increased as well. School districts need educational personnel with a good understanding of Section 504 requirements and a positive attitude towards the implementation of 504 services in order to be in compliance with the law. School psychologists because of their training and experience in special education could play a critical role in the 504 processes. However, it is important then to note what school psychologists know about Section 504 of the Rehabilitation Act of 1973 and their attitudes towards implementation of these services. This researcher anticipates that the longer school psychologists have been in a district the less knowledge they will have of the law and the less likely they will be involved in Section 504 services. Finally, it is probable that the higher the degree obtained, the more knowledge school psychologists will have regarding Section 504 and the more likely they are to be involved with Section 504 services.

Potential Limitations of Study

Respondent accuracy and honesty when completing the survey is assumed; however, the information provided by the respondent on the survey will reflect only the information participants choose to disclose. The questions used in the survey may be viewed as vague or confusing by some participants resulting in incomplete or inaccurate results.

This researcher created the instrument so there will be issues surrounding the validity and reliability of the survey. Because the items on the survey were taken from published literature on Section 504 of the Rehabilitation Act of 1973, the content validity should be reasonably strong; however, concurrent and predictive validity will not have been addressed. The reliability of the survey may also be a concern. Due to the restricted range and the limited sample the results may only be generalized to Wisconsin school psychologists. However, this researcher only sought to assess Wisconsin school psychologists and since the sample will be random it should accurately represent Wisconsin school psychologists. A final limitation was the inability to ask follow-up questions for clarification or gathering further information. Yet, good research should lead to more questions, so a future survey could be designed to follow-up and address any additional questions.

Chapter 4

Results

The purpose of this study was to investigate how knowledgeable school psychologists in Wisconsin are about Section 504 of the Rehabilitation Act of 1973, what role(s) Wisconsin school psychologists play in Section 504 policies, processes, and procedures, and what attitudes are held by Wisconsin school psychologists related to eligibility, enforcement, and implementation of Section 504 of the Rehabilitation Act of 1973. This chapter will review descriptive statistics through both nominal and ordinal data based on the responses of participants. Nominal data will be reported by frequencies with ordinal data reported by mean and standard deviation.

Descriptive Statistics: Nominal

Section 1: Demographics

There were 104 school psychologists who participated in the study which resulted in a 52% response rate. Demographic data are reported in Table 2. Gender was fairly representative of the field with sixty-six (63.5%) of the participants being female and 38 (36.5%) male. Ninety-one participants were employed full time (87.5%) and 13 were employed part-time (12.5%).

The majority of participants were master's level school psychologists (n=67; 64.4%). Twenty-two of the participants (21.2%) were education specialist level school psychologists and 14 (13.5) were doctorate level school psychologists. One participant (1%) indicated other or no response for their level of education.

Forty-one of the participants had been in their current district for 1-5 years (39.4%). Eighteen had been in their current district for both 6-10 years (17.3%) and 11-

15 years (17.3%). Nine of the participants indicated they had been at their current district for 16-20 years (8.7%) and 16 were in their current district for 20+ years (15.4%). Only two of the participants did not respond with their length of employment in their current district (1.9%).

Twenty-three school psychologists indicated they had been employed as a school psychologist for 1-5 years (22.1%). Twenty-seven had been employed as a school psychologist for 6-10 years (26.0%) and 16 were employed for 11-15 years (15.4%). Twelve indicated they had been employed as a school psychologist for 16-20 years (11.5%) and 26 indicated they had been employed for 20+ years (25.0%).

Thirteen of the participants had a school population of less than 500 students (12.5%). Thirty-one had a school population of 501-1000 students (29.8%) and 27 had a school population of 1001-1500 students (26%). Six of the participants had a school population of 1501-2000 students (5.8%) and seven had a school population of 2001-2500 (6.7%). Eighteen had a school population of 2500+ students (17.3) and two participants did not respond to the school population question (1.9%).

The majority of participants were in primarily rural school districts (n=44; 42.3%). Thirty-three of the participants were in urban districts (31.7%) and 23 were in suburban (22.1%). Only four participants reported their school district as "other" (3.8%).

Twenty-two of the participants reported their primary responsibility was in an elementary school (21.2%) and 10 indicated their primary responsibility was in a middle school (9.6%). Eleven of the participants reported a primary responsibility at the high school level (10.6%). Twenty-six of the participants indicated their primary responsibility was at the K-12 level (25%) and 34 of the participants indicated some

combination of different levels (32.7%). Only one participant did not indicate a response for this question (1%).

Fourteen of the participants reported no children with Section 504 plans in their school(s) (13.5%). Sixty-four of the participants reported 1-10 children with Section 504 plans in their schools (61.5%) and 11 reported 11-20 children with Section 504 plans in their schools (10.6%). Two participants indicated either 21-30 or 30+ students with Section 504 plans in their school (1.9%). Ten of the participants reported they did not know how many students had Section 504 plans in their school (9.6%) and 1 participant did not respond to this question (1%).

Thirteen of the participants reported no children were identified as eligible for Section 504 accommodations within their school (12.5%). Sixty-four of the participants reported 1-10 children were identified as eligible for Section 504 accommodations (61.5%) and 11 reported 11-20 students were identified as eligible for Section 504 accommodations (10.6%). Two participants indicated either 21-30 or 30+ students were identified as eligible for Section 504 accommodations (1.9%). Eleven of the participants indicated they did not know how many students were identified as eligible for Section 504 accommodations (10.6%) and one participant did not respond to this question (1%).

Table 2

Demographics of Participating Subjects

Demographic	n	Percent
Gender		
Female	66	63.5
Male	38	36.5
Education		
Master's	67	64.4
Ed.S.	22	21.2
Doctoral	14	13.5
NR	1	1.0
Employment Status		
Full time	91	87.5
Part time	13	12.5
Length at Current District		
1-5 yrs.	41	39.4
6-10 yrs	18	17.3
11-15 yrs	18	17.3
16-20 yrs	9	8.7
20+ yrs	16	15.4
NR	2	1.9

Table 2 (continued)

Demographics of Participating Subjects

Demographic	n	Percent
Length as School Psychologist		
1-5 yrs	23	22.1
6-10 ys	27	26
11-15 yrs	16	15.4
16-20 yrs	12	11.5
20+ yrs	26	25
School Population		
Less than 500	13	12.5
501-1000	31	29.8
1001-1500	27	26
1501-2000	6	5.8
2001-2500	7	6.7
2500+	18	17.3
NR	2	1.9
District		
Urban	33	31.7
Suburban	23	22.1
Rural	44	42.3
Other	4	3.8

Table 2 (continued)

Demographics of Participating Subjects

Demographic	n	Percent
Primary School Responsibility		
Elementary	22	21.2
Middle	10	9.6
High School	11	10.6
K-12	26	25.0
Other	34	32.7
NR	1	1.0
Number of children with Section 504 plans		
0	14	13.5
1-10	64	61.5
11-20	11	10.6
21-30	2	1.9
30+	2	1.9
Don't Know	10	9.6
NR	1	1
Number of children identified as eligible for Section 504 accommodations		
0	13	12.5
1-10	64	61.5
11-20	11	10.6
21-30	2	1.9
30+	2	1.9

Table 2 (continued)

Demographics of Participating Subjects

Demographic	n	Percent
Number of children identified as eligible for Section 504 accommodations (continued)		
Don't Know	11	10.6
NR	1	1

Section 2: Knowledge of Section 504

Knowledge of Section 504 is reported in Table 3. Overall, the participants in this study appeared to have a solid understanding of Section 504 of the Rehabilitation Act of 1973 with the majority (n=86; 82.7%) reporting that their knowledge of the act was adequate. This question was significant at the .05 level when comparing it to Level of Education (p=.041). In addition, the majority reported their school district has provided them with information about Section 504 (n=91; 87.5%). Furthermore, most respondents reported they know how to write a Section 504 plan (n=96; 92.3%) and know who the Section 504 coordinator is in their district (n=94; 90.4%). However, 23.1% (n=24) did not know that all schools are required to have a Section 504 coordinator. Eighty-six and a half percent (n=90) reported schools are responsible for referring students suspected of being eligible for Section 504.

Most recognized that it is a civil rights act (n=95; 91.3%) designed to prevent discrimination (n=99; 95.2%) and not an aspect of special education (n=4; 3.8%). The majority of respondents understood that Section 504 is the responsibility of regular educators (n=95; 91.3%) and that a regular education teacher can be held liable for failing to implement a Section 504 plan (n=94; 90.4%). In addition, most recognized that the

enforcement of Section 504 is the responsibility of the Office of Civil Rights (n=93; 89.4%) and a school district is out of compliance when it violates any provision of the Section 504 statute or regulations (n=92; 88.5%). Almost three-fourths of the respondents knew that compensatory and punitive damages can be levied by the courts in Section 504 lawsuits (n=74; 71.2%). Participants appeared less knowledgeable about the identification of eligible students and the required procedures under Section 504. Some participants indicated that they did not have an adequate knowledge of how Section 504 defines a child with a disability (n=16, 15.4%) whereas others indicated that their understanding was adequate (n=88; 84.6%). Approximately the same percentage of respondents did not know that Section 504 Accommodation Plans were written documents that are required to be reviewed on an annual basis (n=16, 15.4%) and 38.5% (n=40) did not know that students who are eligible under the IDEIA would also be considered eligible for Section 504. In contrast, the majority of participants did know that students who meet Section 504 eligibility requirements are not necessarily eligible for services under the IDEIA (N=97; 93.3%). Almost one-fourth of respondents did not know that a case manager needed to be assigned to monitor the Section 504 plan (n=29; 27.9%) and 38.5% (n=40) were not aware that school districts not in compliance with Section 504 of the Rehabilitation Act of 1973 could lose federal funding. In addition, 26% (n=25) reported Section 504 is a federally funded mandate.

Table 3

Knowledge of Section 504

Knowledge Questions	True (n)	Percent	False (n)	Percent
Knowledge of Section 504 is adequate	86	82.7	17	16.3
Section 504 is a federally funded mandate	26	25.0	76	73.1
Section 504 is special education statute	4	3.8	100	96.2
Section 504 is a civil rights act	95	91.3	9	8.7
Section 504 is an antidiscrimination act	99	95.2	4	3.8
Section 504 is a regular education responsibility	95	91.3	6	5.8
Section 504 is enforced by OCR	93	89.4	10	9.6
Courts can award compensatory/punitive	74	71.2	22	21.2
IDEIA students are always eligible for 504	64	61.5	40	38.5
504 students are always eligible for IDEIA	7	6.7	97	93.3
My school district provides information	91	87.5	11	10.6
A school district is not in compliance when...	92	88.5	10	9.6
Schools are responsible for referring students	90	86.5	11	10.6

Table 3 (continued)

Knowledge of Section 504

Knowledge Questions	True (n)	Percent	False (n)	Percent
School districts must comply with Section 504	60	57.7	40	38.5
Schools are required to have a 504 coordinator	79	76.0	24	23.1
Written 504 plans must be reviewed annually	87	83.7	16	15.4
Regular education teacher can be held liable	94	90.4	10	9.6
Case manager must be assigned to monitor	73	70.2	29	27.9
I know how to write a 504 plan	96	92.3	8	7.7
I know who the 504 coordinator is in my district	94	90.4	10	9.6
Understanding of how 504 defines disability	88	84.6	16	15.4

Note: Missing data on some items due to no response

*Descriptive Statistics: Ordinal**Section 3: Attitudes and Perceptions of Section 504*

Attitudes and perceptions of Section 504 are reported in Table 4. This part of the survey utilized a 4-point Likert Scale. The points from one to four represented: strongly disagree, disagree, agree and strongly agree. Question one states “Section 504 of the Rehabilitation Act of 1973 is a valuable mandate” (mean=3.02; sd=.668). Question two states “Section 504 is easy to understand” (mean=2.16; sd=.814). Question three states “Section 504 has clear and specific guidelines for implementation” (mean=2.06; sd=.846). Question four states “Section 504 has clear and specific guidelines for eligibility” (mean=1.98; sd=.783). Question five states “My school (district) has a policy regarding Section 504 (mean=3.17; sd=.769). Question six states “Section 504 is adequately enforced in my district (school) (mean=2.88; sd=.701). Question seven states “Section 504 is beneficial for the students it serves (mean=2.98; sd=.638). Question eight states “Section 504 is beneficial to the school district (mean=2.64; sd=.812). Question nine states “The school psychologist should be the case manager for Section 504 plans (mean=2.14; sd=.970). Question ten states “Teachers in my district (or school) are willing to implement Section 504 plans/accommodations in their classroom as needed (mean=2.82; sd=.747). Question eleven states “Administrators in my district (or school) support the implementation of section 504 plans/accommodations by teachers in their classroom (mean=2.97; sd=.703). Question twelve states “I believe that the school psychologist has an important role to play in Section 504 services (mean=3.12; sd=.701).

Table 4

Attitudes and Perceptions of Section 504

Attitude Statements	Mean	Standard Deviation
Section 504 is a valuable mandate	3.02	.668
Section 504 is easy to understand	2.16	.814
Clear/specific guidelines for implem.	2.06	.846
Clear/specific guidelines for eligib.	1.98	.783
My school district has a 504 policy	3.17	.769
Section 504 is adequately enforced	2.88	.701
Section 504 is beneficial to students	2.98	.638
Section 504 is beneficial to schools	2.64	.812
The school psy. should be casemanag.	2.14	.970
Teachers willingly implement 504	2.82	.747
Administrators support Section 504	2.97	.703
School psy. plays important role in 504	3.12	.70

Section 4: School Psychologist's Role in Section 504

School psychologist's role in Section 504 is reported in Table 5. Like section three of the survey, section four also utilized a 4-point Likert Scale. The points from one to four represented: strongly disagree, disagree, agree and strongly agree. Question one states "In my district (or school), I play an important role in the implementation of Section 504 services" (mean=2.88; sd=.906). Question two states "I am involved in assessment to determine Section 504 eligibility or needed services" (mean=3.19; sd=.801). Question three states "I am involved in developing recommendations for

Section 504 plans” (mean=3.22; sd=.740). Question four states “I am involved in implementing interventions required by Section 504” (mean=2.62; sd=.741). Question five states “I serve on a pupil service team that supports students under Section 504” (mean=3.06; sd=.879). Question six states “I serve as a consultant for Section 504 services” (mean=3.17; sd=.769). Question seven states “In my district (school), I have been assigned to function as the Section 504 coordinator” (mean= 2.37 ;sd=1.19). The majority of participants disagreed that they were assigned to function as the Section 504 coordinator (n=35; 33.7%). Twenty-three respondents reported they disagreed with this statement (22.1%) and 19 (18.3%) agreed with the statement. Almost as many (n=27; 26%) participants agreed with this statement compared to those who disagreed. The response pattern to the statement “In my district (school), I have been assigned to function as the Section 504 coordinator” yielded inconsistencies due to construction of the survey form and will be addressed in the limitations and recommendations section of Chapter 5. Question nine states “In my district, it is the school psychologist’s responsibility to carry out the modifications/accommodations written in a 504 plan” (mean=1.64; sd=.652). Question ten states “I feel my training and background prepared me to work with Section 504 cases” (mean=2.92; sd=.832). Question eleven states “I would take a workshop or class in school law, specifically Section 504, if it were available and convenient” (mean=2.79; sd=.900).

Table 5

Role of School Psychologists in Section 504 Services

Role	Mean	Standard Deviation
I play an important role in 504	2.88	.906
I am involved in assessment	3.19	.801
I am involved in recommendations	3.22	.740
I am involved in interventions	2.62	.741
I serve on pupil service team	3.06	.879
I serve as a 504 consultant	3.17	.769
I am the 504 coordinator	2.37	1.19
Regular ed teachers are responsible	2.82	.953
School psy. responsible for 504 plans	1.64	.652
Prepared to work with Section 504	2.92	.832
Would take training or class	2.79	.900

After considering all of the data collected, it is necessary to compare the collected data to the research questions. The first research question addressed how knowledgeable about Section 504 of the Rehabilitation Act of 1973 were school psychologists in Wisconsin. The data indicates that Wisconsin school psychologists have adequate knowledge of Section 504 of the Rehabilitation Act of 1973. The second research question addressed what role(s) do Wisconsin school psychologists play in Section 504 policies, processes, and procedures. The data indicated that Wisconsin school psychologists are actively and appropriately involved in Section 504 services. The third research question addressed what attitudes are held by Wisconsin school psychologists

related to eligibility, enforcement, and implementation of Section 504 of the Rehabilitation Act of 1973. The data indicated that Wisconsin School Psychologists have positive attitudes and perceptions towards Section 504 (Vandehey & Maricle, 2005).

Chapter 5

Discussion

This chapter will briefly review the purpose of this research, the data collection process, and the findings of this study. The limitations of the study and suggestions for future research will also be discussed.

Purpose of the Study

The primary purpose of this study was to evaluate the knowledge, perceptions and attitudes, and roles of Wisconsin school psychologists regarding Section 504 of the Rehabilitation Act of 1973. The results of the study suggest that overall school psychologists in Wisconsin have sufficient knowledge of Section 504 and positive attitudes and perceptions towards Section 504 as well. In addition, the Wisconsin school psychologists surveyed reported that they are actively, but appropriately, involved in Section 504 services (Vandehey & Maricle, 2005).

Data Collection

Data for this study was collected through a survey mailed to 200 Wisconsin school psychologists (see Appendix). The sample in this study consisted of 104 Wisconsin school psychologists. Descriptive statistics including frequency counts, percentages, means and standard deviations were used to evaluate knowledge, activities, and attitudes of school psychologists in relation to Section 504 of the Rehabilitation Act of 1973.

Major Findings

This study demonstrated that Wisconsin school psychologists have adequate knowledge of Section 504 of the Rehabilitation Act of 1973. Most of the respondents

recognized Section 504 as a civil rights act designed to prevent discrimination. In addition, most knew that Section 504 is not an aspect of special education but rather is a function of regular education. The majority of respondents reported that they know who the Section 504 coordinator is in their district and how to write a Section 504 plan. Similarly, most respondents recognized that the enforcement of Section 504 is the responsibility of the Office of Civil Rights and that compensatory and punitive damages can be levied by the courts in Section 504 lawsuits. Finally, most of the respondents knew that students who meet Section 504 eligibility requirements are not necessarily eligible for services under the IDEIA but in contrast a large number did not know that IDEIA eligible students are also eligible under Section 504. There was a statistically significant correlation between level of education and the question “I believe my knowledge of Section 504 is adequate.” This suggests that the higher the level of education the more knowledge school psychologists believe they have regarding Section 504 of the Rehabilitation Act of 1973.

This study demonstrated that Wisconsin school psychologists, in general, have a positive perception of the law. Most of the respondents agreed that Section 504 is a valuable mandate and is beneficial to the students it serves. In addition, the majority of respondents reported that the administration in their district supports the implementation of Section 504 and that as school psychologists they have an important role in Section 504 services. However, most of the respondents indicated they do not believe Section 504 has clear and specific guidelines for evaluation, eligibility, or implementation.

Finally, this study demonstrated that Wisconsin school psychologists are involved actively and appropriately in Section 504 services. Most respondents reported they play

an important role in the assessment for, and implementation of, Section 504 services. Most had served as a consultant for Section 504 services and were serving on pupil service teams that support students under Section 504.

Research Findings Related to Existing Literature

In contrast to the anecdotal evidence suggesting negative perceptions regarding Section 504 of the Rehabilitation Act of 1973, this study demonstrated that Wisconsin school psychologists in general have a positive perception of Section 504 of the Rehabilitation Act of 1973. Research regarding attitudes about Section 504 in the schools was scarce. This study's findings are consistent with what Pittman and Slate found in 1994.

Pittman and Slate (1994) found that college students at a southern university in the United States held positive attitudes towards the Act when they had knowledge of the law and experience with individuals with disabilities. However, Pittman and Slate (1994) found that professors at the college or university level held a more negative attitude towards making accommodations in classes for students with disabilities.

This study also demonstrated that Wisconsin school psychologists have adequate knowledge of Section 504 of the Rehabilitation Act of 1973. In contrast, Pitman and Slate (1994) found that knowledge of Section 504 was lacking in college students. In fact, even students with disabilities were not more knowledgeable compared to their non-disabled peers. Similar to Pitman and Slate (1994), Cobb and Peach (1995) found that teachers' knowledge of Section 504 was relatively limited. Whereas, Weitemann's (1996) research demonstrated that regular education teachers in Northeastern Wisconsin knew more about Section 504 compared to the Americans with Disabilities Act. In

addition, Arsenault (2003) found that where in-service training on Section 504 had been provided, there was a positive impact on participants understanding and knowledge of the law.

This study demonstrated that Wisconsin school psychologists play an active yet appropriate role in services provided under Section 504 of the Rehabilitation Act of 1973. The research on Section 504 is scarce and nonexistent when looking at its relationship with school psychology. Jacob and Hartshorne (2003) and Jacob-Timm and Hartshorne (1994; 1998), appear to be the only authors who explored the role of the school psychologist and how it relates to Section 504 of the Rehabilitation Act of 1973. They reported that school psychologists must be advocates for students with disabilities and that school psychologists may serve as a consultant for Section 504 services. In addition, Jacob and Hartshorne (2003) and Jacob-Timm and Hartshorne (1994; 1998) reported school psychologist may play a role in a team of educators because of their knowledge and training in disabilities and the law. The role of school psychologists as consultants and members of teams is supported by the current research.

Limitations of the Study

When evaluating the results of the study, a few limitations need to be considered. The first limitation is the narrowness of the sample. The sample was from school psychologists licensed in Wisconsin and thus may not be representative of other school psychologists in other states. The second major limitation is related to the reliability and validity of the survey. Since the survey was developed by the author and a pilot study was not conducted, there is no empirical data to support the reliability or validity of the survey. As a result, there is no support to say that the survey truly measures what it is

intended to measure, or that respondents would respond consistently over time to the survey. Therefore, one cannot prove that the survey adequately answered the research questions (Vandehey & Maricle, 2005). Another limitation of this study was the response pattern to question number seven in section four: School Psychologist's Role in Section 504. The response pattern should have been nominal (true/false or yes/no) as opposed to ordinal (Likert-scale). The mean and standard deviation of this question will be deceiving because two of the Likert scale responses (strongly disagree and disagree) could be included in answering "no" to this question. Similarly, both agree and strongly agree could be included in answering "yes" to this question. As a result, a forced response would have provided a clearer representation of the information or data.

The response to this question is an issue of statement and response reliability, as well. The variability of the response pattern will yield a weak coefficient of correlation and therefore reliability of the survey is in question, a respondent could respond differently if given the same item a second or third time.

Suggestions for Future Research

There are several opportunities for ongoing research in this area. One could conduct a national survey of school psychologists to determine if there are differences regionally in their knowledge of, attitude toward, and the role they play in the implementation of Section 504 of the Rehabilitation Act of 1973. "Just as there is tremendous variation in how school psychology is practiced across the nation, it can be assumed that there is great variability in how Section 504 of the Rehabilitation Act of 1973 is implemented nationwide" (Vandehey & Maricle, 2005, p. 7). One could also survey regular education teachers and school administrators regarding their knowledge

of, attitude toward, and involvement with Section 504 of the Rehabilitation Act of 1973 and then compare the three groups on their knowledge, perceptions, and roles (Vandehey & Maricle, 2005).

Conclusion

In conclusion, the results of this study indicate that Wisconsin school psychologists demonstrate an adequate understanding of Section 504 of the Rehabilitation Act of 1973. In general, school psychologists in Wisconsin have a positive perception of Section 504 of the Rehabilitation Act of 1973. Finally, school psychologists in Wisconsin are involved appropriately with the implementation of Section 504 of the Rehabilitation Act of 1973.

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Appendix

November 2004

Dear School Psychologist:

I am writing to request your participation in a survey of School Psychologists' knowledge, attitudes and perceptions, and the roles school psychologists typically have in regards to Section 504 of the Rehabilitation Act of 1973. This survey should take about ten minutes to complete. Please return the survey in the enclosed, self-addressed, stamped envelope at your earliest convenience, but no later than **December 17, 2004**.

While your participation in this research is voluntary, I hope that you will choose to participate. If you choose not to participate, please indicate such on the survey and return it to avoid receiving any follow-up requests. All survey responses will be kept confidential and the data will be entered without the inclusion of any identifiers. Only group data results will be reported.

By completing this survey, you are giving informed consent as a participating volunteer in this study. The purpose of the study is informational. You have the right to refuse to participate and to withdraw from participation at any time during the study.

Thank you in advance for your participation in this project. Please feel free to call me (715) 309-9131 or email me at vandeheyk@uwstout.edu or my advisor at (715) 232-2204 or ormes@uwstout.edu if you have any questions regarding this study.

Sincerely,

Kristi Vandehey, MS Ed
UW-Stout Graduate Student

Dr. Scott Orme
UW-Stout Associate Professor
Research Advisor

NOTE: This study has been reviewed and approved by The University of Wisconsin-Stout's Institutional Review Board (IRB). The IRB has determined that this study meets the ethical obligations required by federal law and University policies. If you have any questions, concerns, or reports regarding your rights as a research subject, please contact: Laura McCullough, IRB Chair, 715-232-2536, mcculloughl@uwstout.edu or Sue Foxwell, Director, Research Services, IRB Administrator, 152 Vocational Rehabilitation Bldg., UW-Stout, Menomonie, WI 54751, 715-232-2477, foxwells@uwstout.edu.

2. Section 504 is a federally funded mandate.
 True False
3. Section 504 is a special education statute.
 True False
4. Section 504 is a civil rights act.
 True False
5. Section 504 is an anti-discrimination act.
 True False
6. Section 504 is the responsibility of regular educators.
 True False
7. Enforcement of Section 504 is the responsibility of the Office of Civil Rights.
 True False
8. Unlike IDEIA, compensatory and punitive damages can be levied by the courts in a Section 504 lawsuit.
 True False
9. Students who are covered under IDEIA (Individuals with Disabilities Act) are **always** eligible for Section 504 protections.
 True False
10. Students who are covered under Section 504 are **always** eligible for IDEIA services.
 True False
11. My school district has provided education/information about Section 504.
 True False
12. A school district is not in compliance when it violates any provision of the Section 504 statute or regulations.
 True False
13. Schools are responsible for referring students suspected of being eligible for Section 504.
 True False
14. School districts **must** comply with Section 504 in order to continue to receive any federal funds.
 True False
15. All schools are required to have a Section 504 coordinator.
 True False
16. Section 504 plans are written documents and must be reviewed annually.
 True False
17. A regular education teacher can be held liable for failing to implement a Section 504 plan for a specific student.
 True False

18. A case manager must be assigned to monitor the Section 504 plan and annual review.
 True False
19. I have knowledge of how to write a 504 plan.
 True False
20. I know who the Section 504 coordinator is in my district.
 True False
21. I have an adequate understanding of how Section 504 defines a child as "handicapped" or a child with a disability.
 True False

Section 3: Attitudes and Perceptions of Section 504

Please rate the following statements and indicate your choice by circling a number from 1 to 4.

1=Strongly Disagree 2=Disagree 3=Agree 4=Strongly Agree

1. Section 504 of the Rehabilitation Act of 1973 is a valuable mandate.
 1 2 3 4
2. Section 504 is easy to understand.
 1 2 3 4
3. Section 504 has clear and specific guidelines for implementation.
 1 2 3 4
4. Section 504 has clear and specific guidelines for eligibility.
 1 2 3 4
5. My school (district) has a policy regarding Section 504.
 1 2 3 4
6. Section 504 is adequately enforced in my district (school).
 1 2 3 4
7. Section 504 is beneficial for the students it serves.
 1 2 3 4
8. Section 504 is beneficial to the school district.
 1 2 3 4
9. The school psychologist should be the case manager for Section 504 plans.
 1 2 3 4
10. Teachers in my district (or school) are willing to implement Section 504 plans/accommodations in their classroom as needed.
 1 2 3 4
11. Administrators in my district (or school) support the implementation of Section 504 plans/accommodations by teachers in their classroom.
 1 2 3 4

12. I believe that the school psychologist has an important role to play in Section 504 services.
1 2 3 4

Section 4: School Psychologist's Role in Section 504

1=Strongly Disagree 2=Disagree 3=Agree 4=Strongly Agree

1. In my district (or school), I play an important role in the implementation of Section 504 services.
1 2 3 4
2. I am involved in assessment to determine Section 504 eligibility or needed services.
1 2 3 4
3. I am involved in developing recommendations for Section 504 plans.
1 2 3 4
4. I am involved in implementing interventions required by Section 504 plans.
1 2 3 4
5. I serve on a pupil service team that supports students under Section 504.
1 2 3 4
6. I serve as a consultant for Section 504 services (assessment, eligibility, implementation of Section 504 plans).
1 2 3 4
7. In my district (school), I have been assigned to function as the Section 504 coordinator.
1 2 3 4
8. In my district, regular education teachers are primarily responsible for Section 504 plans.
1 2 3 4
9. In my district, it is the school psychologist's responsibility to carry out the modifications/accommodations written in a 504 plan.
1 2 3 4
10. I feel my training and background prepared me to work with Section 504 cases.
1 2 3 4
11. I would take a workshop or class in school law, specifically Section 504, if it were available and convenient.
1 2 3 4

Thank you!